IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

Notice of Motion No. 4528 of 2006
in
ARBITRATION PETITION NO. 8 OF 1999

M/s. Grace Engineers ..... Petitioner
V/S
The Union of India . . ... Respondent

Mr. S. U. Kamdar i/b. Mr. V.L. Panjuani for petitioner
Mr. T. J. Pandian for respondent.

CORAM: D. G. KARNIK **J.**

DATE: February 28, 2007

P.C.:

1. Heard learned counsel for the parties.
2. By order dated 15th December 1999 this court appointed Hon'ble Mr. Justice S.C. Pratap (Retd.), as the sole arbitrator for adjudication of the dispute between the parties. Thereafter the learned arbitrator expressed his inability to proceed with the matter and resigned. Respondent thereafter took out a motion bearing Motion No. 694 of 2006 with the prayer that instead of a retired judge of the High Court, the General Manager of the Central Railway be permitted to approach the arbitral tribunal . By order dated 18th December 2006 this motion was dismissed, Appeal against the oder of the learned single Judge dated 18th December 2006 has also been dismissed. Thus a vacancy has

arisen which needs to be filled in by appointing a suitable arbitrator. In view of the fact that a retired judge of this court was appointed I feel it fit that the vacancy be filled in by appointing another retired judge of this court. Counsel for the petitioner suggests the name of Mr. Justice S.M. Jhunjhunwala . Counsel for the respondent has no objection. Accordingly Hon'ble Mr. Justice S.M. Jhunjhunwala is appointed as substituted arbitrator in place of Hon'ble Mr. Justice S.C. Pratap.

3. Motion is disposed of.

(D. G. KARNIK J)

4